

Docket No. END-897 DIV1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

Seth A. Forester et al.

RECEIVED

Serial No.

10/630, 883

Art Unit: 3736

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JUL 2 6 2004

Filed

July 30, 2003

Examiner: Not Assigned

For

Method and Devices for Defining and Marking Tissue

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Kimberly M. Moses

7-26-04 Date

Assistant Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

[X] In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set

forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

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filed in conne	ection w	with [] the first or [] second After Final Submission, therefore:
	[]	Statement in Accordance with §1.97(e) (attached); or
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A =4:=	period set forth in \$1.97(b) above but before the mailing date of either a Final
Action under	\$1.113 or a Notice of Allowance under \$1.311, or an action that otherwise
closes prosecu	tion and that it is accompanied by one of:
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- [] Please charge Deposit Account No.10-0750/END-897DIV1/GSG the fee of \$180.00 as set forth in \$1.17(p).
- [X] Copies of references listed on the attached Form PTO-1449 are not included under 37CFR 1.98(d) where the references have been cited in US Patent Application 09/776,125 to which the application claims priority.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GSG/END-897 DIV1.

Respectfully submitted,

Reg. No. 34,342

Attorney for Applicants

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One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Phone (513) 337-3535
Date: July & 2004

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Application Number	10/630,883
Filing Date	July 30, 2003
First Named Inventor	Seth A. Foerster, et al.
Group Art Unit	3736
Examiner Name	Not Assigned
Attorney Docket Number	END-897 DIV 1

	Γ	U.S. Patent Document	U.S. PATENT DOCUMENTS		<u> </u>
Examiner Initials	Cit e No	Kind Code ² Number (if known)	-60%-40	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		4,248,214	Hannah, et al.	02-03-1981	ALL
		4,541,438	Parker, et al.	09-17-1985	ALL
		4,592,356	Gutierrez	06-03-1986	ALL
		4,774,948	Markham	10-04-1988	ALL
_		4,799,495	Hawkins, et al.	01-24-1989	ALL
		4,813,422	Fisher, et al.	03-21-1989	ALL
		4,817,622	Pennypacker, et al.	04-04-1989	ALL
		4,852,568	Kensey	08-01-1989	ALL
		4,966,583	Debbas	10-30-1990	ALL
		4,986,279	O'Neill	01-22-1991	ALL
		5,014,713	Roper, et al.	05-14-1991	ALL
		5,018,530	Rank, et al.	05-28-1991	ALL

		Foreign	Patent Document		N	Date of Publication of Cited Document	Pages, Columns, Lines,	Ť
Examiner Initials	Cite No. [†]	Office ³	Number ⁴ Kind	Code	Name of Patentee or Applicant of Cited Document	mm-dd-yyyy	where relevant passages or relevant ligures appear	T⁰
		EP	0 894 503	A2	Stinson	08-06-1998	ALL	<u> </u>
		PCT	00/38579	A2	Sirimanne, et al.	12-23-1999	ALL	

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	T	Tuc on		U.S. PATENT DOCUMENTS		
Examiner Initials	Cit e No	U.S. Patent Door	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
·····		5,080,655		Haaga	01-14-1992	ALL
		5,083,570		Mosby	01-28-1992	ALL
		5,158,084		Ghiatas	10-27-1992	ALL
		5,195,988		Haaga	03-23-1993	ALL
		5,197,482		Rank, et al.	03-30-1993	ALL
		5,221,269		Miller, et al.	06-22-1993	ALL
		5,325,857		Nabai, et al.	07-05-1994	ALL
		5,334,216		Vidal, et al.	08-02-1994	ALL
		5,353,804		Komberg, et al.	10-11-1994	ALL
		5,388,588		Nabai, et al.	02-14-1995	ALL
	_	5,394,886		Nabai, et al.	03-07-1995	ALL
		5,409,004		Sloan	04-25-1995	ALL

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Examiner Initials	Cite	Foreign Office ³	Patent Doci	KindCode	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T°
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and not consid	ered. Include copy of this form with next communication to applicant	. IV., El- 003, DIQ.	w line trirough citation it not in conformance

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Sheet 3 of 5

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*		U.S. Patent Doc	moot	U.S. PATENT DOCUMENTS		
Examiner Initials	Cit e No	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		5,423,321		Fontenot	06-13-1995	ALL
		5,467,780		Nabai, et al.	11-21-1995	ALL
		5,479,936		Nabai, et al.	01-02-1996	ALL
		5,483,972	1	Nabai, et al.	01-16-1996	ALL
		5,487,392		Haaga	01-30-1996	ALL
		5,517,997		Fontenot	05-21-1996	ALL
		5,526,822		Burbank, et al.	06-18-1996	ALL
		5,556,410		Mittermeir, et al.	09-17-1996	ALL
]	5,571,182		Ersek, et al.	11-05-1996	ALL
		5,647,374		Cutrer	07-15-1997	ALL
		5,660,185		Shmulewitz, et al.	08-26-1997	ALL
		5,795,308		Russin	08-18-1998	ALL

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Sheet 4 of 5

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<u></u>	-	7		U.S. PATENT DOCUMENTS		
Examiner Initials	cr Cit	U.S. Patent Doc	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		5,807,276		Russin	09-15-1998	ALL
		5,873,904	-	Ragheb, et al.	02-23-1999	ALL
		5,980,564		Stinson	11-09-1999	ALL
		6,053,876		Fisher	04-25-2000	ALL
		6,161,034		Burbank, et al.	12-12-2000	ALL
		6,183,497	B1	Sing, et al.	02-06-2001	ALL
		6,228,055	B1	Foerster, et al.	05-08-2001	ALL
_		6,231,834	B1	Unger, et al.	05-15-2001	ALL
		6,271,278	B1	Park, et al.	08-07-2001	ALL
		6,335,028	B1	Vogel, et al.	01-01-2002	ALL
		6,356,782	B1	Sirimanne, et al.	03-12-2002	ALL

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		Foreign	Patent Doc	ument	Name of Patentee or	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant	
Examiner Initials	Cite No.1	Office ³	Number ⁴	KindCode ⁵	Applicant of Cited Document	mm-dd-yyyy	passages or relevant figures appear	T°
	 							
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Examiner Name	Not Assigned			
Attorney Docket Number	END-897 DIV 1			

	r	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner's	Cite No.1	(book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume issue supplying	τ²
	C1	publisher, city and/or country where published HUSSMAN et al. "Optical Breast Lesion Localization Fiber: Preclinical Testing of a New Device," Radiology, 200:865-866 (September 1996).	
	C2	(September 1998). HUSSMAN et al. "MR Mammonmobio Locality of the Mammonmobio Locality of the Mammonmobio Locality of the MR	
	C3	HUSSMAN et al., "MR Mammographic Localization Work in Progress," Radiology, 189:915-917 (1993). "Surgical Treatment of Breast Disease, Making the Diagnosis of Breast Cancer. Non-Palpable Breast Masses," BreastDoctor.com, http://www.breastdoctor.com/breast/surreng/biognost-bt-	
	C4	BreastDoctor.com, http://www.breastdoctor.com/breast/surgery/biopsy.htm. "Surgical Treatment of Breast Disease: What's New? Diagnosing Breast Cancer. The ABBI Breast Biopsy System." BreastDoctor.com, http://breastdoctor.com/breast/surgery/abbi.htm.	
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